

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE**

KEIFER BURCH,
Plaintiff,

v.

CAUSE NO.: 4:19-CV-46-TLS-JEM

EXPERIAN INFORMATION SOLUTIONS,
INC. and TRANS UNION LLC,
Defendants.

OPINION AND ORDER

This matter is before the Court on a Joint Motion to Dismiss Defendant Experian Information Solutions, Inc. Only with Prejudice [ECF No. 54], filed on July 29, 2020. Therein, Plaintiff and Defendant Experian Information Solutions, Inc. request the Court to “dismiss this action with prejudice as against Defendant Experian Information Solutions, Inc. only.”

The Seventh Circuit Court of Appeals has held that the proper procedure for dismissal of individual parties or claims is by the amendment of pleadings under Federal Rule of Civil Procedure 15(a) and not by dismissal under Federal Rule of Civil Procedure 41(a). *Taylor v. Brown*, 787 F.3d 851, 857–58, 858 n.9 (7th Cir. 2015) (explaining that “Rule 15(a) allows a plaintiff to amend his complaint—including by adding or dropping parties and claims—as a matter of right in some situations and by court order in others” and reminding district court to use Rule 15(a) rather than Rule 41(a) for dismissal of individual claims); *see also* 6 Fed. Prac. & Proc. Civ. § 1479 (3d ed.).

Accordingly, the Court DENIES the Joint Motion to Dismiss Defendant Experian Information Solutions, Inc. Only with Prejudice [ECF No. 54]. Pursuant to Federal Rule of Civil Procedure 15(a)(2), the Court GRANTS Plaintiff leave to file an amended complaint against Defendant Trans Union LLC as the only remaining defendant.

SO ORDERED on August 5, 2020.

s/ Theresa L. Springmann
JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT